

STATE OF ALABAMA       )  
COUNTY OF BALDWIN    )

RESOLUTION #~~2023-192~~2024-118  
OF THE  
BALDWIN COUNTY COMMISSION

A RESOLUTION OF THE BALDWIN COUNTY COMMISSION SUPERSEDING AND REPEALING RESOLUTION ~~2017-020~~#2023-192; TO PROTECT THE HEALTH, WELFARE, AND PUBLIC SAFETY OF THE BALDWIN COUNTY CITIZENS;—AMENDING~~CITIZENS: AMENDING~~ EXISTING REGULATIONS REQUIRING ALL RESIDENCES IN THE UNINCORPORATED AREAS OF THE COUNTY TO PARTICIPATE IN A PROGRAM OF SOLID WASTE COLLECTION; REGULATING THE OPERATION OF THAT PROGRAM; AND ADOPTING A CONVENIENT RECYCLING PROGRAM

WHEREAS, under the Alabama Constitution of 1901, BALDWIN COUNTY, section 5.01(1)(a), the Baldwin County Commission may adopt ordinances, resolutions, or regulations relating to its property and affairs for which no provision has been made by general law and which is not inconsistent with the Constitution of Alabama or any of the Laws of Alabama; and

WHEREAS, the Alabama Constitution of 1901, BALDWIN COUNTY, section 5.01(2)(a)(1), grants the Baldwin County Commission supplementary powers to adopt a resolution to provide and regulate garbage and solid waste collection and disposal; and

WHEREAS, pursuant to Code of Alabama, 1975, sections 22-22A-4(n), 22-27-9(a), and 22-40A-5, as amended, the Alabama Department of Environmental Management (hereinafter “ADEM”) is a duly constituted department of the State of Alabama and is the state agency authorized to administer and enforce the provisions of the Solid Wastes and Recyclable Materials Management Act (*Ala. Code* (1975) §§ 22-27-1 through 22-27-18) and the Alabama Scrap Tire Environmental Quality Act (*Ala. Code* (1975) §§ 22-40A-1 through 22-40A-24); and

WHEREAS, section 22-27-10 of the Code of Alabama, 1975, states that ADEM’s power to enforce and administer the Solid Wastes and Recyclable Materials Management Act and the Alabama Scrap Tire Environmental Quality Act does not limit the power of municipalities or counties like the Baldwin County Commission to declare, prohibit, or abate public nuisances as long as the municipality does not act in conflict with ADEM; and

WHEREAS, pursuant to the Alabama Constitution of 1901, BALDWIN COUNTY, section 5.01(1)(a), this Resolution is not inconsistent with the statutory provisions or regulations provided by ADEM or otherwise provided in the Code of Alabama, 1975; and

WHEREAS, in addition to ADEM and the Baldwin County Commission’s concurrent power to regulate and administer solid waste collection and disposal, ADEM and the Baldwin County Commission executed a Memorandum of Understanding agreeing to cooperate, to detect, investigate, and remediate sites within the County that contain solid waste, scrap tires, construction and demolition waste, and rubbish; and

WHEREAS, in the interests of its residents' health and welfare, the Baldwin County Commission wishes to adopt procedures mandating and providing for residential solid waste disposal; and

WHEREAS, the Baldwin County Commission seeks to deter unauthorized dumping, illegal burning, and the accumulation of unauthorized scrap tires within County boundaries; and

WHEREAS, the Baldwin County Commission wishes to adopt a convenient recycling program for residents and businesses; and

NOW, THEREFORE, BE IT RESOLVED by the Baldwin County Commission as follows,

## **BALDWIN COUNTY SOLID WASTE REGULATIONS**

### **SECTION 1 – DEFINITIONS**

1. "Approved Residential Collection Service" means a residential and business solid waste collection service operated by Baldwin County, the Solid Waste Disposal Authority of Baldwin County, or an entity granted a collection service franchise by the Baldwin County Commission.
2. "Bulky Waste" means furniture, appliances, mattresses, carpet, and auto tires.
3. "Business" means all commercial establishments, including, but not limited to, motels, hotels, apartments, trailer parks, stores, office buildings, restaurants, service stations and garages, laundries and cleaning establishments, industrial establishments, and all other places not classified as residential that produce or accumulate Solid Waste, including adjacent unimproved property.
4. "Clean Debris" means any waste which is virtually inert and which is not a pollution threat to ground water or surface waters and is not a fire hazard, and which is likely to retain its physical and chemical structure under expected conditions of disposal and use, including uncontaminated concrete with embedded pipe or steel, brick, glass, ceramics, and other wastes designated by the Solid Waste Disposal Authority.
5. "Commission" means the County Commission of Baldwin County, Alabama.
6. "Construction and Demolition Waste" means materials generally considered to be not water soluble and non-hazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt, roofing material, pipe, gypsum wallboard, and lumber, from a construction or demolition project and including rocks, soils, tree remains, trees, and other vegetative matter which normally results from land clearing. Mixing of Construction and Demolition Debris with other types of Solid Waste, including material from a construction or demolition site which is not from the actual construction or destruction of a structure, will cause it to be classified as other than Construction and Demolition Waste.
7. "Container" means an enclosed container usually constructed of metal with a close-fitting cover or doors with a capacity in excess of one (1) cubic yard, approved by the County Health Department, which is used to store large volumes of Solid Waste for collection. An approved container must be serviced by mechanical equipment.

8. "Container Service Franchise" or "Franchised Container Service" means a licensed waste hauling service company that provides approved waste containers, related waste hauling services, and has been granted a franchise by the County Commission to serve customers in Baldwin County.
9. "Designated Disposal Facility" means the Magnolia Landfill located in the County, or any other landfill, solid waste facility or solid waste management facility so designated by the Baldwin County Commission.
10. "Four or More Accounts" means residential units such as: condominiums, apartments, mobile homes, and RV parks occupied by a person or group of persons comprising ~~five~~four or more families.
11. "Garbage" means putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food, including, but not limited to, waste from markets, storage facilities, handling and sale of produce and other food products and excepting such materials that may be serviced by garbage grinders and handled as household sewage, trimmings and other discarded matter from meat or produce, including packaging materials and containers and other refuse as defined by the Solid Waste Disposal Authority (see "Putrescible Waste").
12. "Garbage Can" means a closed container for storage of residential waste and rubbish which meets the requirements of the Baldwin County Commission Policy and Procedures Manual and includes containers provided to customers for storage and collection of residential solid waste by the County or Approved Residential Collection Service. Garbage Cans must be a rollable plastic container with hinged, ~~tight fitting~~tight-fitting lids of durable construction suitable for mechanized collection and approved by the Approved Residential Collection Service.
13. "Generation" means the act or process of producing solid waste. Solid waste shall be considered to be generated at the point that waste materials are first discarded or collected, regardless of any subsequent materials recovery or recycling.
- ~~14.~~ "Hazardous Waste" means Solid Waste, or combination of Solid Wastes, which, because of its quantity, concentration or physical, chemical, or infectious characteristics, may cause or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.
- ~~14.~~15. "Illegal Dumping"- means the act of dumping regulated wastes onto property that is not permitted to accept those wastes; This excludes using an authorized disposal method such as curbside collection programs and transfer stations.
- ~~15.~~16. "Illegal Burning" means the act of burning regulated materials which include, but are not limited to, construction and demolition wastes, garbage, rubbish, and solid wastes without proper permitting.
- ~~16.~~17. "Innocent Landowner" means an owner of real property upon which there is located an unauthorized dump or illegal scrap tire site and who meets all of the following conditions:

- a) The owner either acquired title to the property after the solid waste or scrap tires were disposed of, acquired title before the waste or tires were disposed of but lacked actual knowledge of the waste or scrap tires after conducting reasonable due diligence, or acquired title by bequest or devise;
- b) The owner did not have knowledge that the waste or scrap tires were being disposed of on the property or the owner took reasonable steps, including, but not limited to, posting signs to prevent disposal on the property;
- c) The owner did not participate in or consent to the disposal of solid waste or scrap tires on the property;
- d) The owner did not receive any financial benefit from the disposal of solid waste or scrap tires on the property;
- e) Title to the property was not transferred to the owner for the purpose of evading liability for operating an unauthorized dump or disposing of scrap tires; and
- f) The person or persons responsible for disposing of the solid waste or scrap tires on the property, in doing so, was not acting as an agent for the owner.

17.18. “Owner” means Person or Persons or Entity or Entities, according to the records of Baldwin County Revenue Commissioner and/or the records in the Office of the Judge of Probate of Baldwin County, Alabama, owning an occupied property which generates Solid Waste. Such person or persons or entity or entities shall be responsible for enrolling an occupied property in the County’s solid waste disposal program with an Approved Collection Service and shall be jointly and severally responsible for payment of all solid waste fees incurred by residents or occupants of the Owner’s property.

18.19. “Policy Manual” means the applicable sections of the Baldwin County Policies and Procedures Manual as amended from time to time.

19.20. “Putrescible Waste” means food waste or garbage that will rot or decay producing foul odors or attract vermin. Putrescible waste includes containers that are contaminated by such waste.

20.21. “Qualifying Non-Residential Customer” means small businesses, nonprofit organizations, and government agencies whose weekly waste generation is less than three 35-gallon garbage cans.

21.22. “Recycling” means any process by which solid waste or materials that would otherwise become solid waste are collected, separated, or processes and reused or return to use in the form of raw materials or products.

22.23. “Recycling Container” means a closed container for storage of residential recycling which meets the requirements of the Baldwin County Solid Waste Regulations as stated in its Policy Manual and includes wheeled containers provided to customers for storage and collection of residential recycling by the county.

23.24. “Recyclable Material” means those materials which are suitable for recycling, which have undergone source separation, and which would otherwise be disposed of as Solid Waste.

~~24.~~25. “Residential Unit” means a dwelling within the unincorporated areas of the County occupied by a person or group of persons comprising not more than four families. A condominium dwelling consisting of four or less contiguous or separate single-family dwelling units, shall be treated as a Residential Unit, except that each single-family dwelling within any such Residential Unit shall be billed separately as a Residential Unit.

~~25.~~26. “Residential Waste” means Garbage, Rubbish, and Recyclable Materials resulting from the normal housekeeping activities of a Residential Unit.

~~26.~~27. “Responsible Party” means, with respect to the remediation of any unauthorized dump, illegal burning, or accumulation of scrap tires on any property, a person who meets at least one of the following conditions:

- a. A person who deposited the solid waste or scrap tires on the property or illegally burned solid waste, if other than the person who holds title to or has a financial interest in the property.
- b. A person who holds title to or has a financial interest in the property and who does not qualify as an innocent landowner.

~~27.~~28. “Rubbish” means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste. Combustible waste includes paper, rags, cartons, wood, furniture, rubber, plastics, yard trimmings, ~~leaves~~leaves, and similar materials. Noncombustible waste includes glass, crockery, metals, cans, metal furniture, and like materials which will not burn at ordinary incinerator temperatures, not less than 1600 degrees F.

~~28.~~29. “Scrap Tire” means a pneumatic tire no longer suitable or useable for its original purpose, and, in addition, includes but is not limited to, all tires with a manufacturing defect, except those that are in the process of being returned to the manufacturer for a refund.

~~29.~~30. “Scrap Tire Site” means any collection of scrap tires either dumped or caused to be dumped or placed on any public or private property, whether or not regularly used, and not having a permit from the Alabama Department of Environmental Management.

~~30.~~31. “Solid Waste” means all putrescible and nonputrescible discarded materials, except household sewage and livestock and poultry wastes, including, but not limited to, garbage, rubbish, scrap tires, offal, abandoned automobiles and such industrial wastes as are not controlled by other agencies. For the purposes of these regulations, all material declared by the Customer’s word or deemed to be destined for final disposal or requiring alteration or modification before reuse, is deemed to be Solid Waste until otherwise declared by the Solid Waste Disposal Authority.

~~31.~~32. “Solid Waste Disposal Authority” means the public corporation named the “~~The~~ Solid Waste Disposal Authority of Baldwin County, ~~Alabama~~L, Inc.” which was formed ~~through the passage of Resolution No. 2023-114~~ pursuant to the provisions of Section 11-89A-~~1~~1, et seq., Code of Alabama, 1975, as amended, through the passage of Resolution No. 2023-114 and which is empowered by the Commission to promote and enforce the provisions of this Resolution.

~~32.~~33. “Solid Waste Officer” means any county official or county employee or any official or employee of the Solid Waste Disposal Authority designated by the Commission as Solid

Waste Officer of Baldwin County pursuant to Section 22-27-3 of the Code of Alabama. The Solid Waste Officer shall have the authority to exercise the duties and powers of enforcement delegated by Alabama law, including without limitation Sections 40-12-10(i), (j), (k), and (n), and Section 13A-7-29(g) of the Code of Alabama.

~~33.34.~~ “Special Services” means any Solid Waste collection and/or disposal services which require services beyond the minimum requirements of a waste collection agreement.

~~34.35.~~ “Special Wastes” means Solid Waste that requires special handling and management, including, but not limited to, whole tires, used oil, lead acid batteries, and Biological Wastes.

~~35.36.~~ “Unauthorized Dump” means any collection of solid wastes either dumped or caused to be dumped or placed on any public or private property, whether or not regularly used, and not having a permit from ADEM or permission from the Baldwin County Commission or one of its duly authorized counterparts. Abandoned automobiles, large appliances or similar large items of solid waste shall be considered as forming an unauthorized dump within the meaning of the ADEM Regulations. The careless littering of a relatively few, smaller individual items such as tires, bottles, cans, and the like shall not be considered an unauthorized dump, unless the accumulation of the solid waste poses a threat to human health or the environment.

~~36.37.~~ “Unauthorized Scrap Tire Site” means a site or location where scrap tires or tire pieces are illegally stored or accumulated and is not in compliance with the Alabama Scrap Tire Environmental Quality Act, or Division 335-4, ADEM Admin. Code and on which 100 or more scrap tires are accumulated, except as a permitted processor, registered receiver, permitted landfill, or transporter who has requested and been granted a storage permit by the ADEM.

~~37.38.~~ “Vector” means an organism that is capable of carrying or transmitting a human pathogen, or human disease-causing agent, from one host to another.

~~38.39.~~ “Vermin” means any of small various animals or insects that are destructive, annoying or injurious to health, including, but not limited to, flies, cockroaches, rats, foxes and weasels.

~~39.40.~~ “White Goods” means refrigerators, ranges, water heaters, freezers, and other large appliances.

~~40.41.~~ “Yard Waste” means material resulting from landscape maintenance, including, but not limited to, grass clippings, leaves, twigs, etc., and material resulting from land-clearing operations.

## **SECTION 2 – WASTE COLLECTION MANDATORY PARTICIPATION**

Section 22-27-~~310~~, 1975, every Owner, person, household, business, ~~industry~~~~industry~~, or property in Baldwin County, including but not limited to, every property with an E911 address, shall subscribe to an approved collection service as set forth below unless granted a certificate of exception.

1. Residential units shall subscribe to an Approved Residential Collection Service.

2. Qualifying non-residential customers may subscribe to an Approved Residential Collection Service or to a franchised container service.
3. Owners of “~~five~~four or more account” properties shall subscribe to an approved collection service and follow Baldwin County Commission Policy #7.2 as outlined in the Baldwin County Commission Policy and Procedures Manual.
4. All other waste generators must subscribe to a franchised container service.
5. Only an Approved Residential Collection Service may provide residential garbage collection service in the unincorporated areas of Baldwin County.

All occupied residences must subscribe to an Approved Residential Collection Service unless granted a certificate of exception. The fact that any Residential Unit is occupied shall be prima facie evidence that Solid Waste is being produced and accumulated upon the premises thereof.

6. Certificate of Exception; “haul-your-own”. No owner, resident, or household shall transport their own non-recyclable solid waste for handling or disposal until such household has made application for and received a Certificate of Exception from the county health officer and the Baldwin County Commission in accordance with Section 22-27-3 of the Code of Alabama, 1975, as amended. Applications for said Certificates of Exception must meet the criteria established by the Rules of the Alabama State Board of Health, including without limitation Chapter 420-3-5 of the Alabama Administrative Code, as amended. To receive a Certificate of Exception, the applicant must prepare a haulage and disposal plan which sets out the proposed method of storing, hauling, and disposing of the solid waste so as to comply with rules and regulations adopted by the State and County and so as not to create a public nuisance or hazard to public health. Persons issued said Certificates of Exception must maintain receipts and records of deposits of solid waste in accordance with Chapter 420-3-5 of the Alabama Administrative Code, as amended. Nothing in this section is intended to limit the ability of citizens to collect and dispose of recyclable materials at county drop-off centers.
7. Certificate of Exception; Shared Service. A person desiring to be excluded from participating in a mandatory collection program because of shared service shall identify himself to the Baldwin County Health Department and satisfy the criteria established by Chapter 420-3-5 of the Alabama Administrative Code, as amended.

### **SECTION 3 – RESIDENTIAL WASTE COLLECTION SERVICES**

The Baldwin County Commission, through Approved Residential Collection Services, shall provide residential waste collection services along all County-maintained roads and along all other roads in the unincorporated area which can be safely traveled by a collection vehicle as determined by the County.



1. Garbage Cans, bundles, recyclable materials, white goods, waste automobile tires and bulky waste for collection by an Approved Residential Waste Collection Service shall be placed at ground level, on the property of the Customer. Materials left for collection shall be placed upon the portion of the public right-of-way fronting along the Customer's property immediately adjacent to the traveled, ~~graded~~ or paved portion thereof, but off the shoulder of the roadway, where it can be easily accessible for inspection and collection.
2. At no time shall any Garbage Cans or materials left for collection be placed on or within the traveled, graded, or paved portion of any right-of-way, or on or within any gutters, ditches, or sidewalks.
3. Garbage Cans with waste left for pickup by an Approved Residential Waste Collection Service shall be placed after 5:00 p.m. of the day before scheduled collection, but in no case shall receptacles remain at the curb later than 8:00 p.m. on the scheduled day of collection.
4. Customers not wishing to place Garbage Cans or bundles at the designated location may, if approved, contract with the Approved Residential Collection Service for collection and disposal of Solid Waste as a Special Service.
5. Any Garbage Can left for collection which does not comply with the County's rules and regulations shall not be emptied by the Approved Residential Collection Service. The Approved Residential Collection Service will cause such Garbage Cans to be clearly marked specifying the manner they fail to meet the approved standards.
6. The Solid Waste Disposal Authority is authorized to grant exception to these container placement rules to customers with residences on roads which cannot be safely traveled by collection vehicles and to grant exceptions to the container placement time rule to customers who cannot reasonably comply.
7. The Solid Waste Disposal Authority shall establish and maintain a list of all residential units in the unincorporated area which will serve as the customer billing list for the collection service.
8. The Solid Waste Disposal Authority will assure that every Owner, household, residence, business, industry, or property generating solid waste, subscribes to an Approved Residential Collection Service or is granted a certificate of exemption. Whenever possible, staff will attempt to make personal contact with property owners and residents to encourage them to subscribe to the service or to get a certificate of exception.

**SECTION 4 – RESIDENTIAL WASTE COLLECTION SERVICE FEES AND CUSTOMERS EXEMPT FROM SERVICE FEES**



Pursuant to the authority granted to Baldwin County in Alabama Constitution of 1901, BALDWIN COUNTY, section 5.01(2)(a)(1), giving the County the power to provide and regulate garbage and solid waste collection and disposal, residents and businesses shall be required to pay fees to provide for the waste collection services. The fees for residential recycling and garbage collection services are recommended by the Solid Waste Disposal Authority and are subject to approval by the Baldwin County Commission. The fee may be amended on ~~annual~~an annual basis. Each residential unit will pay a collection fee as outlined in the Baldwin County Commission Policy and Procedure Manual, unless granted a certificate of exemption, or unless exempted from payment by one of the following ~~exceptions;~~exceptions. failure~~Failure~~ to pay the fee or receive an exemption shall result in enforcement procedures brought pursuant to SECTION 13 of this Resolution. The Owner of a property shall be jointly and severally liable for the fee for collection service for the Owner and any person, household, ~~business~~business, or industry generating solid wastes, ~~garbage~~garbage, or ash on the Owner's property.

1. State Social Security Exemption. Pursuant to Alabama law, the Commission is authorized to grant a Social Security Exemption from fees associated with solid waste collection service. This exemption shall apply only so long as the household's sole source of income is Social Security and shall be requested no later than the first billing date of any year in which the exemption is desired in accordance with the Code of Alabama, 1975, Section 22-27-3(a)(3), as the same may be amended from time to time. Sole source of income may include Social Security, SSI Benefits, VA ~~Benefits~~Benefits, or any combination thereof. Proof of income must be established by a form SSA- 1099 and prior year 1040 tax return or three (3) months bank statements, unless additional information is required by the Approved Residential Collection Service or Commission. If any member of the household has any income other than a combination of Social Security, SSI Benefits, and VA Benefits, the entire household is deemed ineligible for the Social Security exemption. Social Security exemptions cannot be granted unless the request for exemption and proof of income is presented to the County no later than the first billing date of the year the exemption is requested. An administrative grace period will be granted until February 28<sup>th</sup> of each year. Any changes or updates to this exemption can be found in The Baldwin County Commission's Policy and Procedures Manual, Policy ~~#7.6~~#7.6, or the Alabama Department of Public Health Administrative Code 420-3-5-.08 Social Security Benefits Exemption.
2. The Commission allows the additional exemptions set forth below from full or partial payment of fees associated with solid waste collection service. Owners who qualify for these exemptions must subscribe to the Commission's residential collection service and then apply to the Commission or Approved Residential Collection Service for an exemption. If approved, the Owner shall be removed from the billing list. All exemptions must be renewed in accordance with the terms stated in the exemption, but under no circumstances less than every twelve (12) months.

(A) Low Income Exemption. Pursuant to the authorization contained in Code of Alabama, 1975, Sections 22-27-3 and 45-2-172, the Commission is authorized to grant an exemption from the county mandatory solid waste collection program fee for any household whose total income does not exceed 75 percent of the federal poverty level. Approved exemptions expire after six (6) months. The provision of false information in an approved application will result in the Owner being charged the full program fee for

services received during the exemption period. Owners may be subject to additional penalties as set forth in applicable laws, rules, or regulations.

(B) Local Baldwin County Social Security Interest/Dividend Income Exemption. The Commission may grant an exemption to any person applying for the Social Security Exemption set forth above but who is disqualified only because said person has received interest/dividends income. Provided, however, that such interest/dividend income received may not exceed \$25.00 per year.

(C) Vacancy Exemption. The Commission may grant an exemption to vacant properties. Vacant properties are those on which no person ~~resides~~resides, or no business is being operated or conducted. Exemptions will expire at the end of the time frame specified in the approved vacancy exemption. Properties may only be eligible for this exemption if the vacancy is for one of more of the following reasons:

- i. The property has been deemed uninhabitable;
- ii. No one is residing at the ~~residence~~residence, or no business is operating, and the building or facilities located on the property are vacant;
- iii. The owner or resident is ~~deceased~~deceased, and no one is living on the property at the present time; or
- iv. The property is up for sale or rent and no one is currently living on ~~property~~the property at the present time.

(D) Seasonally Occupied Home Exemption. Seasonally occupied homes may apply for seasonal collection service. The fee for seasonal service will be established annually and stated in the approved Baldwin County Commission Policy and Procedure Manual, Policy #7.6.

(E) Dumpster Exemption. Where the owner of a business has a garbage service dumpster at the business location and the owner's primary residence is immediately adjacent to the Owner's business, the Owner may dispose of household waste in that business' dumpster and be exempted from payment for his residential unit. A copy of the contract must be submitted with their exemption form. Dumpster exemptions must be renewed annually.

(F) Volunteer Fire Departments Exemption. Volunteer fire departments are exempt from payment for services provided by the Approved Residential Collection Service under Code of Alabama, Section 40-9-13(a), 1975.

(G) Search and Rescue Units/Squads Exemption. Voluntary nonprofit search and rescue units or squads which are operated as a public service for the benefit of the citizens of Baldwin County, and as approved by the Commission in accordance with section 45-2-142.01 of the Code of Alabama, 1975, are exempt from payment for services by the Solid Waste Disposal Authority.

## **SECTION 5 – OTHER FEES FOR RESIDENTIAL WASTE COLLECTION SERVICES**

1. Special Services may be provided to qualified customers for a fee in addition to the charges for basic service. Provided, however, that handicapped citizens in residential units where no one is physically able to bring the household garbage to the curbside will be provided special services at no charge.
2. Neighborhoods which contract with the Solid Waste Disposal Authority for twice a week collection service will pay an additional fee.
3. The Commission may review and approve charges for other special services requested by Owners.

## **SECTION 6 – RESIDENTIAL WASTE COLLECTION: GARBAGE CANS AND CONTAINERS**

1. The Solid Waste Disposal Authority will provide roll-out ~~containers~~ Garbage Cans.
2. All solid waste placed for garbage pickup which is not bundled must be placed in an approved Container or Garbage Can.
3. Garbage Containers must be leak proof. Containers shall be maintained in a clean condition, and the area around the container shall be kept litter free.
4. Garbage Cans shall be kept closed when placed for collection.
5. Garbage ~~C~~ans shall be maintained in good condition. Any Garbage ~~C~~ean that does not conform with this ~~R~~esolution or applicable state and local regulations, or that has sharp edges or any other defect that may cause injury, must be promptly repaired or replaced upon receipt of notice to that effect. The Approved Residential Collection Service is not responsible for damage to Garbage Cans or containers.

## **SECTION 7 – BUNDLED WASTE AND BULKY WASTE**

1. Residential waste which does not fit into a Garbage Can and is not considered household waste shall be bundled as required in the Baldwin County Commission Policy and Procedures Manual Policy #7.1. Bundles shall be bound securely together so as to avoid ~~disintegration~~ or spillage falling apart or disintegration when lifted or moved.
2. The Solid Waste Disposal Authority will collect White Goods and Bulky Waste from residential units on a call for service basis as described in the Baldwin County Commission Policy and Procedures Manual Policy #7.1. This service is provided for waste generated from

the residential use of the property and does not include waste generated by home businesses.

2.3. Bundled or Bulky Waste set out for collection, that disregards the requirements set forth in the Policy and Procedures Manual Policy #7.1 could be subject to enforcement and/or will be required to be removed at the responsible party's expense.

## **SECTION 8 – EXCLUDED WASTE**

Baldwin County's waste collection system and franchises do not cover construction and demolition ~~debris and vegetative debris generated through contractual services~~, liquid waste, hazardous waste, medical ~~wastewaste~~, or other special wastes. Waste generators are responsible for disposing of these wastes in a manner which meets all federal and state requirements.

## **SECTION 9 – ONLY WASTE GENERATED ON PREMISES COLLECTED**

Residential waste collection service customers shall not place any waste out for collection which was not generated at the residential unit subscribing to the collection services.

## **SECTION 10 – ILLEGAL SOLID WASTE DUMPS**

Any owner, household, residence, business, industry, or property found to be acting as a Responsible Party to an unauthorized ~~dump~~ dump shall be subject to the enforcement procedures set forth in SECTION 13 of this Resolution.

## **SECTION 11 – ILLEGAL SCRAP TIRE SITES**

Any owner, household, residence, business, industry, or property found to be acting as a Responsible Party an unauthorized scrap tire site as set forth herein, shall be subject to the enforcement procedures set forth in SECTION 13 of this Resolution.

## **SECTION 12 – ILLEGAL BURNING**

Any owner, household, residence, business, industry, or property found to be acting as a Responsible Party to illegal burning as set forth herein, shall be subject to the enforcement procedures set forth in SECTION 13 of this Resolution.

## **SECTION 13 – ENFORCEMENT PROCEDURES**

Pursuant to the Alabama Constitution of 1901, Baldwin County section 5.01(1), (2) and Code of Alabama section 22-27-10, 1975, the Solid Waste Officer or the Solid Waste Disposal Authority may bring formal enforcement procedures in instances where an owner, household, residence, business, industry, or property has failed to comply with the provision of this Resolution. Failure to comply includes, but is not limited to, ~~failure~~ refailing to subscribe to the Garbage Collection Services (or to receive a certificate of exemption) and acting as a Responsible Party to unauthorized dumps, illegal burning, and unauthorized scrap tire sites as defined.

1. The Solid Waste Disposal Authority of Baldwin County will investigate each such violation. Investigation and enforcement shall proceed as follows:

(A) The Solid Waste Officer, the Solid Waste Disposal Authority, or a designee thereof may enter property to investigate violations of this Resolution and pursue enforcement thereof.

(B) In accordance with Code of Alabama 1975, section(s) 22-27-6, 13A-7-29 (g), and 22-27-3(6) (e) citations may be assessed for failure to participate in the mandatory garbage collection program, Illegal Dumping of wastes, or the Illegal Burning of regulated waste within the unincorporated areas of Baldwin County.

(C) The Solid Waste Disposal Authority may apply for an appropriate search warrant to achieve the purposes of this Resolution.

(D) A violation letter will be issued to those in violation of creating an Unauthorized Dump, Scrap Tire Site, or the Illegal Burning of regulated waste and will be given fourteen (14) days to remediate the property.

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2. Show Cause Hearings shall proceed as follows:

(A) The Baldwin County Solid Waste Officer shall issue a Citation Notice to Appear for a Show Cause Hearing to the household, owner, resident, person, business, ~~industry~~industry, or entity alleged to have engaged in a violation. The Citation Notice shall be sent by certified mail or served in person to the apparent violator.

(B) The Notice will explain that the purpose of the hearing is to allow the alleged violator an opportunity to prove that they have not violated this Resolution or Alabama law and that they should not be summoned to court.

~~(B)~~(C) The Citation Notice will include a summary of the law and solid waste regulations which are the subject of the violations.

~~(C)~~(D) The Citation Notice will specify the time, place, and date of the hearing.

~~(D)~~(E) The hearings will be conducted at the Bay Minette courthouse or at a satellite courthouse within Baldwin County.

~~(E)~~(F) The hearing will be conducted by the Solid Waste Officer or its designee.

~~(F)~~(G) The hearing will proceed as follows:

i. The Solid Waste Officer will review the solid waste disposal law, the Commission's regulations as set forth herein, and information about the alleged ~~apparent~~ violation.

ii. The violator will have an opportunity to present relevant evidence in response to the alleged violations.

iii. If the Solid Waste Officer determines that the alleged ~~apparent~~ violator is in violation

of ~~this Resolution or the solid waste disposal Alabama law~~ or the provisions of this Resolution, the Solid Waste Officer will set a deadline for the household, owner, resident, person, business, industry or entity to come into compliance with ~~such these~~ laws and regulations.

~~iii.iv.~~ The Solid Waste Officer will explain that ~~failure to comply within said deadline may result in the issuance of, if action is not taken to participate in the program by the deadline, the Solid Waste Officer will confer with the District Attorney's office, and/or ADEM where appropriate, about issuing~~ a summons to court for the alleged violation.

### 3. Court Case

(A) If an ~~alleged apparent~~ violator is ~~still~~ not compliant after the deadline set at a ~~Show Cause Hearing~~, the Solid Waste Officer shall prepare a case file summarizing known facts and ~~include include all supporting documents~~ supporting documents.

(B) After reviewing the case with the District Attorney, the Solid Waste Officer and the District Attorney will jointly determine whether the case meets the requirements for prosecution and whether a summons should be issued.

(C) If the case is prosecuted, the Solid Waste Officer shall sign the complaint.

(D) The Clerk of Court will set a court date and issue a summons.

(E) The District Attorney's Office will prosecute the case. The Solid Waste Officer and the Solid Waste Authority of Baldwin County shall provide any assistance requested by the District Attorney.

### 4. ADEM Administrative Enforcement Process

Where applicable, the Solid Waste Officer or the Solid Waste Disposal Authority will monitor the site of the violation to determine ~~whether whether or not~~ the Owner, household, residence, business, industry, or entity has come into compliance. If the violation is not remedied as required by the courts or in a manner satisfactory to the County, the Solid Waste Officer, and the District Attorney's office, then pursuant to the Memorandum of Understanding executed between the County and ADEM, the County, the Solid Waste Officer or the District Attorney's Office ~~the County~~ will confer with ADEM and request that ADEM initiate its Administrative Enforcement process against the violator. The Administrative Enforcement Process will proceed as follows.

(A) If, ~~following the expiration of the deadline set by the Solid Waste Officer and following the County's attempts to obtain relief through the courts of Baldwin County,~~ the Owner, household, residence, business, industry, or entity has failed to come into compliance with the relevant environmental laws, rules, or regulations, the Solid Waste Officer County will notify ADEM of the continuing violation.

(B) ADEM ~~may will~~ proceed as necessary with the Administrative Enforcement ~~Process, and Process and may will~~ seek to obtain an Administrative Order as to the violation.

~~(C) To the extent possible, the County's show cause process will satisfy any prerequisites that ADEM must satisfy to initiate the administrative enforcement process.~~

~~(D)(C)~~ The Solid Waste Officer County will provide whatever information, documents, or other assistance ADEM needs to pursue enforcement.

## 5. Civil Action

In addition to, the enforcement provisions set forth above, the Solid Waste Disposal Authority ~~of Baldwin County~~ may authorize its attorney to file a civil action for collection of delinquent collection service fees and fines as authorized by this Resolution and applicable state, federal, and local laws and regulations.~~rules.~~

## 6. Cumulative Enforcement

The enforcement provisions herein are cumulative. The exercise of one of more of such enforcement provisions shall not preclude the exercise of any other enforcement rights or remedies provided by this R~~esolution~~, local rules and regulations, or Alabama law.

## **SECTION 14- RECYCLING DROP OFF CENTERS**

The Solid Waste Disposal Authority will continue to maintain recycling drop off centers throughout the county for collection of recyclable materials.

## **SECTION 15 - RESIDENTIAL RECYCLING PROGRAM**

The Solid Waste Disposal Authority, or a collection service approved by the Solid Waste Disposal Authority, may~~shall~~ provide optional curbside recycling collection services along all County-maintained roads and along all other roads in the unincorporated area which can be safely traveled by a collection vehicle as determined by the County.

1. Once operational, residents may enroll in curbside recycling collection services by reaching out to the Solid Waste Disposal Authority. The residents wishing to use the curbside recycling program will, as a condition of enrollment, be required to assent to Solid Waste Disposal Authority and/or its collection service provider's rules, especially with respect to contamination of recyclable materials.
2. Residents enrolling in the curbside recycling program will be provided a recycling container to be paid for out of their recycling service fees.
3. The rates and fees for curbside recycling services will be recommended by the Solid Waste Disposal Authority and approved by the Commission. The Solid Waste Disposal Authority shall be responsible for the billing, collection, and auditing of the subscription fees subject to oversight by the Commission.



4. The Solid Waste Disposal Authority shall only collect non-contaminated, recyclable materials placed at the curb of fee-paying residences. Whether waste is recyclable is at the sole discretion of the Solid Waste Disposal Authority or a collection service acting under its authority.
5. Any waste left for collection which does not comply with Solid Waste Disposal Authority's rules and regulations shall not be emptied.
6. Recyclable materials must be stored in a container that meets the requirements of the Baldwin County Solid Waste Regulations as stated in its Policy Manual, including wheeled containers provided to customers for storage and collection of residential recycling by the county.
7. Recycling containers with recyclable materials for collection shall be placed upon the portion of the public right-of-way fronting the property immediately adjacent to the traveled, graded, or paved portion thereof, but off the shoulder of the roadway, where it can be easily accessible for inspection and collection.
8. At no time shall any recycling containers be placed on or within the traveled, graded, or paved portion of any right-of-way, or on or within any gutters, ditches, or sidewalks. However, the Solid Waste Disposal Authority is authorized to grant exception to these container placement rules to residences on roads which cannot be safely traveled by collection vehicles and to grant exceptions to the container placement time rule to those who cannot reasonably comply.
9. Recycling containers placed for pickup by the Solid Waste Disposal Authority shall be placed after 5:00 p.m. of the day before scheduled collection, but in no case shall receptacles remain at the curb later than 8:00 p.m. on the scheduled day of collection.
10. Neither the Solid Waste Disposal Authority nor the Baldwin County Commission is responsible for damage incurred to recycling containers arising from activities occurring within the scope of the curbside recycling program.

#### **SECTION 16 – COMMERCIAL RECYCLING PROGRAM**

The Solid Waste Disposal Authority, in conjunction with and upon the approval of the Baldwin County Commission, will enter into a franchise agreement for commercial recycling services.

1. Commercial recycling services will consist of collecting, transporting, receiving, storing, and/or separating commercially produced, recyclable waste within the County.
2. Entities may enroll in recycling collection services by reaching out to the Solid Waste Disposal Authority. As a condition of enrollment, entities will be required to assent to the Solid Waste Disposal Authority and or its franchisee's rules, especially with respect to contamination of recyclable materials.
3. The rates and fees for a subscription to commercial recycling services will be established by the Solid Waste Disposal Authority. The Solid Waste Disposal Authority shall be responsible for the billing, collection, and auditing of the subscription fees.

4. To be collected, recyclable waste must be stored in a container meeting the requirements provided by the Solid Waste Disposal Authority and must comply with the Solid Waste Disposal Authority's commercial recycling collection rules.
5. Additional information regarding commercial recycling services will be provided by the Solid Waste Disposal Authority as necessary.

#### **SECTION 17 – MISCELLANEOUS**

1. The Solid Waste Disposal Authority will establish a separate residential garbage collection fund.
2. Customers are responsible for keeping their dogs confined so that collection personnel can service damaged Garbage Cans, deliver/remove Garbage Cans, and safely empty Ggarbage Ceans and recycling containers.

#### **SECTION 18 - REPEALER CLAUSE**

Resolution #2016-010, ~~and~~ Resolution #2017-020, and Resolution #2023-192 are hereby repealed.

#### **SECTION 19 - SEVERABILITY CLAUSE**

If any part, ~~section~~section, or subdivision of this Resolution shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Resolution, which shall continue in full force and effect notwithstanding such holding.

DONE, under the Seal of Baldwin County, Alabama, as affixed on this the \_\_ day ~~of~~ of May  
~~September, 2024~~3— —

~~Commissioner~~ \_\_\_\_\_ Commissioner Billie  
Jo Underwood, Chairman

ATTEST:

\_\_\_\_\_, Roger H. Rendleman, County Administrator